BOARD OF ADJUSTMENT

Zoning Administration Division
Development Services Department (DSD)
201 North Stone Avenue, Tucson, Arizona 85701

*** NOTICE OF DECISIONS ***

DATE OF PUBLIC HEARING MARCH 26, 2008

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J)&(K).

CASE NO.

THE APPLICANT

C10-08-06 KALIL BOTTLING WAREHOUSE ADDITIONS/KALIL BOTTLING COMPANY, 931 SOUTH HIGHLAND AVENUE, I-1

The applicant's project is the Kalil Bottling Company located on a 6.74 acre site on south Highland Avenue near Twentieth Street and is zoned "I-1" Industrial". The applicant proposes an expansion to the warehouse building. The proposed expansion requires compliance with all Tucson *Land Use Code (LUC)* criteria applicable to new commercial development. The applicant is seeking variances to building setback requirements. *LUC* Sections applicable to this project include, but are not limited to the following: Section 2.7.2 which provides the development criteria applicable to industrial development within the "I-1" industrial zone and Section 3.2.6 which provides the perimeter yard (setback) requirements applicable to all principal and accessory structures. The applicant is requesting the following variances: 1) Reduce the building setback from Warehouse Avenue, a Major Street and Route (MS&R) from thirty two feet four inches (32'4") to eight (8'0"), eight feet measured from the back of the curb, as shown on the submitted plans; and, 2) Reduce the building setback from Highland Avenue from twenty nine feet seven inches (29'7") to twenty five (25') feet, as measured from the edge of the nearest travel lane, and as shown on the submitted plans.

DECISION: VARIANCES GRANTED SUBJECT TO THE FOLLOWING CONDITION:

A. Applicant to provide pedestrian access and circulation per applicable regulations.

By LUC regulation, a building permit or development approval based upon a Board of Adjustment decision cannot be issued, until a minimum of fourteen (14) days after the Board's decision date.

IMPORTANT NOTICE

FOR VARIANCES OR DESIGN DEVELOPMENT OPTIONS (DDO) GRANTED BY THE ACTIONS OF THIS BOARD: IF A BUILDING PERMIT IS REQUIRED FOR THE PROJECT ASSOCIATED WITH THE VARIANCE OR DDO, IT MUST BE SECURED FROM THE DEVELOPMENT SERVICES DEPARTMENT (DSD) WITHIN 180 DAYS OF THE HEARING DATE.

VARIANCE AND DDO APPROVALS EXPIRE WITHIN 180 CALENDAR DAYS FROM THE DATE OF THIS MEETING. TWO ADDITIONAL (180 DAY) EXTENSIONS MAY BE GRANTED PROVIDED THERE IS GOOD CAUSE AND THE REQUEST IS MADE IN WRITING.

<u>UNLESS OTHERWISE NOTED</u>, BOARD OF ADJUSTMENT DECISIONS BECOME EFFECTUATED UPON OBTAINING BUILDING PERMITS (IF REQUIRED) AND FULL COMPLIANCE WITH ALL CONDITIONS OF THE BOARD' DECISION.

THE 180 DAY TIME FRAME TO OBTAIN A BUILDING PERMIT DOES NOT APPLY WHEN THERE IS AN OUTSTANDING ZONING VIOLATION WHICH PRECIPITATED THE VARIANCE OR DDO REQUEST FOR THE PROPERTY. THE APPLICANT OR PROPERTY OWNER MUST CONTACT THE DEPARTMENT OF NEIGHBORHOOD RESOURCES FOR THE DATE THE ZONING VIOLATION MUST BE ABATED.

If you want further information, please call Russlyn Wells at 837-4948 or Wayne Bogdan at 837-4946.

Connie Munguia, Secretary Board of Adjustment

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